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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,282	02/04/2002	Eric Hudson	LAM1P161/P0915	9734

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BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER

DUDA, KATHLEEN

ART UNIT	PAPER NUMBER
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1756

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DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,282

Applicant(s)

HUDSON ET AL.

Examiner

Kathleen Duda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 14-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35

U.S.C. 121:

- I. Claims 1-13, drawn to a method of making a semiconductor device, classified in class 430, subclass 311.
- II. Claims 14-16, drawn to a semiconductor device, classified in class 257, subclass 9+.
- III. Claims 17-19, drawn to an apparatus, classified in class 355, subclass 18+.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used in another and materially different process such as the post-exposure bake of a photoresist layer on a printed circuit board.

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made by another and materially different process such as an additive process.

Inventions III and II are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case the apparatus can be used for making a different product such as a printed circuit board.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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2. During a telephone conversation with Michael Lee on July 24, 2003, a provisional election was made with traverse to prosecute the invention of Group I, claims 1-13. Affirmation of this election must be made by applicant in replying to this Office action. Claims 14-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horn (US Patent 5,925,494) and Kishimura (US Patent 5,217,851).

Horn teaches a process of vapor depositing a polymer film and then processing the film with radiation between 10 nm and 400 nm. Figures 7A-7D and column 14, line 58 to column 15, line 58, teach the process. Figure 7B depicts the film being exposed to radiation 36 through a mask 38. Column 15, lines 20-22, teach that the radiation can be 193 nm. Figure 7C shows the exposure of the exposed film to a silylation agent which can include a silylating gas 46. It is taught that the gas reacts with the areas not exposed to radiation. Figure D, column 18, lines 28-43, teach the etching of the underlying layers with an oxygen plasma using the pattern as a mask. It is taught that the pattern can be used in an ion implantation process as well as etching (column 21, lines 1-4).

Kishimura teaches processing a resist comprising a resin with hydroxyl groups which can be a methacrylate-containing copolymer. It is taught that the resist is exposed to deep UV of 190-300 nm (column 4, lines 1-8). Column 6, line 20, teaches using a KrF laser (248 nm) and column 7, line 15, teaches the use of an ArF laser (193 nm). Figures 1A-1E and column 6, lines 12-65, teach the process. The resist is exposed to a KrF laser through

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a mask. The exposed resist is then exposed to a solution and then gas of HMDS before being developed with an oxygen plasma.

Therefore, it would have been obvious to have formed a semiconductor device by patterning a resist layer with radiation of less than 248 nm followed by crosslinking of the resist by exposure to a reactive chemical because Horn teaches the silylation of a resist that has been exposed to radiation between 10nm and 400 nm produces a pattern which is useful in etching underlying layers or ion implantation and Kishimura teaches that the process can be used to form an etching mask with a methacrylate-containing resist.

Conclusion

6. Any inquiry concerning this communication should be directed to Examiner K. Duda at (703) 308-2292. Official after final FAX communications should be sent to (703) 872-9311, all other official FAX communications should be sent to (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist at (703) 308-0661.


Kathleen Duda
Primary Examiner
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